

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Sections 5 and 5.1 and by adding Sections 3.1 and 3.2 as
6 follows:

7 (820 ILCS 130/3.1 new)

8 Sec. 3.1. Employment of local laborers; report. The
9 Department of Labor shall report annually, no later than
10 February 1, to the General Assembly and the Governor the number
11 of people employed on public works in the State during the
12 preceding calendar year. This report shall include the total
13 number of people employed and the total number of hours worked
14 on public works both statewide and by county. Additionally, the
15 report shall include the total number of people employed and
16 the hours worked on public works by the 5-digit zip code, as
17 collected on certified payroll, of the individual's residence
18 during employment on public works. The report to the General
19 Assembly shall be filed with the Clerk of the House of
20 Representatives and the Secretary of the Senate in electronic
21 form only, in the manner that the Clerk and Secretary shall
22 direct.

1 (820 ILCS 130/3.2 new)

2 Sec. 3.2. Employment of females and minorities on public
3 works.

4 (a) The Department of Labor shall study and report on the
5 participation of females and minorities on public works in
6 Illinois. The Department of Labor shall use certified payrolls
7 collected under Section 5.1 to obtain this information. The
8 Department of Labor shall use the same categories for gender,
9 race, and ethnicity as the U.S. Census Bureau for data
10 collected under Section 5.

11 (b) No later than December 31, 2020, the Department of
12 Labor shall create recommendations for female and minority
13 participation on public works projects by county. The
14 Department of Labor shall use its own study, data from the U.S.
15 Department of Labor's goals for Davis-Bacon Act covered
16 projects, and any available data from the State or federal
17 governments.

18 (c) The Department of Labor shall adopt rules to implement
19 this Section.

20 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

21 Sec. 5. Certified payroll.

22 (a) Any contractor and each subcontractor who participates
23 in public works shall:

24 (1) make and keep, for a period of not less than 3
25 years from the date of the last payment made before January

1 1, 2014 (the effective date of Public Act 98-328) and for a
2 period of 5 years from the date of the last payment made on
3 or after January 1, 2014 (the effective date of Public Act
4 98-328) on a contract or subcontract for public works,
5 records of all laborers, mechanics, and other workers
6 employed by them on the project; the records shall include
7 (i) the worker's name, (ii) the worker's address, (iii) the
8 worker's telephone number when available, (iv) the last 4
9 digits of the worker's social security number, (v) the
10 worker's gender, (vi) the worker's race, (vii) the worker's
11 ethnicity, (viii) veteran status, (ix) the worker's
12 classification or classifications, (x) ~~(vi)~~ the worker's
13 gross and net wages paid in each pay period, (xi) ~~(vii)~~ the
14 worker's number of hours worked each day, (xii) ~~(viii)~~ the
15 worker's starting and ending times of work each day, (xiii)
16 ~~(ix)~~ the worker's hourly wage rate, (xiv) ~~(x)~~ the worker's
17 hourly overtime wage rate, (xv) ~~(xi)~~ the worker's hourly
18 fringe benefit rates, (xvi) ~~(xii)~~ the name and address of
19 each fringe benefit fund, (xvii) ~~(xiii)~~ the plan sponsor of
20 each fringe benefit, if applicable, and (xviii) ~~(xiv)~~ the
21 plan administrator of each fringe benefit, if applicable;
22 and

23 (2) no later than the 15th day of each calendar month
24 file a certified payroll for the immediately preceding
25 month with the public body in charge of the project until
26 the Department of Labor activates the database created

1 under Section 5.1 at which time certified payroll shall
2 only be submitted to that database, except for projects
3 done by State agencies that opt to have contractors submit
4 certified payrolls directly to that State agency. A State
5 agency that opts to directly receive certified payrolls
6 must submit the required information in a specified
7 electronic format to the Department of Labor no later than
8 10 days after the certified payroll was filed with the
9 State agency. A certified payroll must be filed for only
10 those calendar months during which construction on a public
11 works project has occurred. The certified payroll shall
12 consist of a complete copy of the records identified in
13 paragraph (1) of this subsection (a), but may exclude the
14 starting and ending times of work each day. The certified
15 payroll shall be accompanied by a statement signed by the
16 contractor or subcontractor or an officer, employee, or
17 agent of the contractor or subcontractor which avers that:
18 (i) he or she has examined the certified payroll records
19 required to be submitted by the Act and such records are
20 true and accurate; (ii) the hourly rate paid to each worker
21 is not less than the general prevailing rate of hourly
22 wages required by this Act; and (iii) the contractor or
23 subcontractor is aware that filing a certified payroll that
24 he or she knows to be false is a Class A misdemeanor. A
25 general contractor is not prohibited from relying on the
26 certification of a lower tier subcontractor, provided the

1 general contractor does not knowingly rely upon a
2 subcontractor's false certification. Any contractor or
3 subcontractor subject to this Act and any officer,
4 employee, or agent of such contractor or subcontractor
5 whose duty as such officer, employee, or agent it is to
6 file such certified payroll who willfully fails to file
7 such a certified payroll on or before the date such
8 certified payroll is required by this paragraph to be filed
9 and any person who willfully files a false certified
10 payroll that is false as to any material fact is in
11 violation of this Act and guilty of a Class A misdemeanor.
12 The public body in charge of the project shall keep the
13 records submitted in accordance with this paragraph (2) of
14 subsection (a) before January 1, 2014 (the effective date
15 of Public Act 98-328) for a period of not less than 3
16 years, and the records submitted in accordance with this
17 paragraph (2) of subsection (a) on or after January 1, 2014
18 (the effective date of Public Act 98-328) for a period of 5
19 years, from the date of the last payment for work on a
20 contract or subcontract for public works or until the
21 Department of Labor activates the database created under
22 Section 5.1, whichever is less. After the activation of the
23 database created under Section 5.1, the Department of Labor
24 rather than the public body in charge of the project shall
25 keep the records and maintain the database. The records
26 submitted in accordance with this paragraph (2) of

1 subsection (a) shall be considered public records, except
2 an employee's address, telephone number, ~~and~~ social
3 security number, race, ethnicity, and gender, and made
4 available in accordance with the Freedom of Information
5 Act. The public body shall accept any reasonable
6 submissions by the contractor that meet the requirements of
7 this Section.

8 A contractor, subcontractor, or public body may retain
9 records required under this Section in paper or electronic
10 format.

11 (b) Upon 7 business days' notice, the contractor and each
12 subcontractor shall make available for inspection and copying
13 at a location within this State during reasonable hours, the
14 records identified in paragraph (1) of subsection (a) of this
15 Section to the public body in charge of the project, its
16 officers and agents, the Director of Labor and his deputies and
17 agents, and to federal, State, or local law enforcement
18 agencies and prosecutors.

19 (c) A contractor or subcontractor who remits contributions
20 to fringe benefit funds that are jointly maintained and jointly
21 governed by one or more employers and one or more labor
22 organizations in accordance with the federal Labor Management
23 Relations Act shall make and keep certified payroll records
24 that include the information required under items (i) through
25 (viii) of paragraph (1) of subsection (a) only. However, the
26 information required under items (ix) through (xiv) of

1 paragraph (1) of subsection (a) shall be required for any
2 contractor or subcontractor who remits contributions to a
3 fringe benefit fund that is not jointly maintained and jointly
4 governed by one or more employers and one or more labor
5 organizations in accordance with the federal Labor Management
6 Relations Act.

7 (d) The Department of Labor shall adopt rules to implement
8 this Section.

9 (Source: P.A. 97-571, eff. 1-1-12; 98-328, eff. 1-1-14; 98-482,
10 eff. 1-1-14; 98-756, eff. 7-16-14.)

11 (820 ILCS 130/5.1)

12 Sec. 5.1. Electronic database. The Subject ~~to~~
13 ~~appropriation, the~~ Department shall develop and maintain an
14 electronic database capable of accepting and retaining
15 certified payrolls submitted under this Act no later than April
16 1, 2019. The database shall accept certified payroll forms
17 provided by the Department that are fillable and designed to
18 accept electronic signatures. The Department of Labor shall
19 adopt rules to implement this Section.

20 (Source: P.A. 98-482, eff. 1-1-14.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.